

9/25/79
UNCLASSIFIED

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WILSON ROOSEVELT JR
79 BUENOS AIRES 7929

10/12/79 145332

PRINTER: LW

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ACTION AFA-15

INFO OCT-21 ADS-00 SY-25 SS-15 NSCT-00 L-23 E-21
INP-12 CIAF-00 DCF-00 SSO-00 INRF-00 SYF-00 /250 W
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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC IMMEDIATE 2529

BUENOS AIRES 7929

E.C. 12065: GDS 9/25/95 (FRIEDMAN, TOWNSEND E.) CR-P
TAGS: SHUM AR

SUBJ: (U) RELEASE AND PROTECTION FOR TIMBERMAN

REF: STATE 249264

1. (U) - ENTIRE TEXT.)

2. WE HAVE NOW HAD THE OPPORTUNITY TO MEET WITH
TIMBERMAN'S LAWYER, GENARIC CARRIO WHO SPOKE TO US IN
CONFIDENCE.

3. THOUGH HE HAS NOT SEEN THE SUPREME COURT DECISION
ON TIMBERMAN, CARRIO FEELS PRESS REPORTS ABOUT IT ARE
PROBABLY CORRECT. AT LEAST SO FAR AS ITS MAJOR THREAT--
THE JUNTA HAS BEEN TOLD BY THE COURT THAT THE CONTINUED
DETENTION OF TIMBERMAN IS ILLEGAL. MOREOVER, CARRIO
BELIEVES THAT IN SHORT ORDER--PROBABLY THIS WEEK--
TIMBERMAN WILL PROBABLY BE STRIPPED OF HIS CITIZENSHIP
AND EXPELLED FROM THE COUNTRY BY THE JUNTA WHICH WILL
TAKE THESE STEPS UNDER THE POWERS IT CONFERRED ON
ITSELF WITH THE INSTITUTIONAL ACT OF 1976.

4. CARRIO STATED TO US THAT HIS PRESENTATION TO
THE COURT IN TIMBERMAN'S BEHALF HAD TWO THREATS:

A. THAT TIMBERMAN'S DETENTION UNDER THE INSTITUTIONAL

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ACT IS ILLEGAL; AND

B. THAT THE INSTITUTIONAL ACT IN ITSELF IS UNCONSTITI-
TUTIONAL.

5. HE BELIEVES THAT IN ORDERING TIMBERMAN
BEFORE THE COURT PROBABLY DEALT WITH THE FIRST OF
THESE ARGUMENTS, BECAUSE TO DECLARE THE INSTITUTIONAL
ACT ITSELF UNCONSTITUTIONAL WOULD OPEN UP A PANDORA'S
BOX FOR THE JUNTA, AFFECTING AS IT WOULD THE MANY
PEOPLE BEING HELD OR WHO HAVE BEEN PUNISHED UNDER
THE INSTITUTIONAL ACT.

6. THE BASIC ARGUMENT HE USED TO ATTACK THE LEGALITY,
AS OPPOSED TO ITS CONSTITUTIONALITY, OF TIMBERMAN'S
DETENTION WAS NARROWLY AIMED AT PARAGRAPH (E) OF
ARTICLE TWO OF THE ACT WHICH STATES THAT AMONG THE
MEASURES THAT CAN BE APPLIED TO THOSE BEING PUNISHED
UNDER THE BILL IS DETENTION IN A PLACE DETERMINED
BY THE EXECUTIVE POWER FOR SO LONG AS THE INDIVIDUAL

ARGENTINA PROJECT (S20000044)
U.S. DEPT. OF STATE, A/RPS/TPS
Margaret P. Grafeld, Director
(X) Release () Excise () Deny
Exemption(s):
Declassify: () In Part (X) In Full
() Classify as () Extend as () Downgrade to
Date _____ Reason _____
Declassify on _____

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Box 17404

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[REDACTED]
REMAINS AT THE DISPOSITION OF THE EXECUTIVE POWER...."
THE ARGUMENT OF THE DEFENSE WAS THAT SINCE TIMERMAN'S
DETENTION UNDER THE EXECUTIVE POWER HAS BEEN RULED
ILLEGAL (BY THE COURT LAST YEAR) AND HE IS NO LONGER
AT THE DISPOSITION OF THE EXECUTIVE, HE CAN NO LONGER
BE HELD UNDER THE INSTITUTIONAL ACT.

7. OTHER THAN RELEASING TIMERMAN, THE JUNTA HAS TWO
OTHER OPTIONS: ONE, TO IGNORE THE COURT ORDER; TWO,
TO PLACE HIM BACK UNDER PEN. CAPRICI ASSERTED THAT
NEITHER OF THESE OPTIONS WAS LIKELY--THE FIRST
"BECAUSE IT WOULD BE ILLEGAL" AND THE SECOND BECAUSE
"IT WOULD MAKE THEM LOOK RIDICULOUS TO THE WORLD."

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